

The parties have agreed that there should be no evidentiary hearing, trial, or other adjudication on the merits of this matter. The parties hereby stipulate; that this court has personal jurisdiction over the respective parties, that this court has subject matter jurisdiction over this action, that the entire record on which the decision and order in this matter may be based shall consist of the complaint, answer and notice of hearing issued, and that the decision and order based upon the parties' consent shall have the same force and effect as a decision and order made after a full hearing. Further, the parties hereby waive the entry of findings of facts and conclusions of law, any further procedural steps before this court, and any right to challenge or

contest the validity of the decision and order agreed and consented to by these parties and approved by this court. The parties also have agreed that entry of this consent order does not constitute an admission or proof that IBP, inc. has engaged in a pattern or practice of document abuse and citizenship discrimination in violation of IRCA; 8 U.S.C. § 1324b.

In resolution of this action, the parties hereby AGREE and the Court expressly APPROVES, ENTERS, and ORDERS the following:

1. IBP, inc. will pay a civil penalty of \$30,000. This penalty will be paid by IBP, inc. causing to be delivered to the Office of Special Counsel a check in the amount of \$30,000 payable to the United States Treasury within 10 days of the entry of this Consent Order.

2. The Office of Special Counsel will monitor compliance with this Consent Order and will for a three year period periodically visit IBP, inc's facility in Amarillo, Texas. In reviewing IBP's compliance the Office of Special Counsel may inspect the premises of such location, interview employees, and examine and copy documents.

3. If during this three year period, any violations of IRCA occurring after the entry of this Consent Order are discovered by the Office of Special Counsel at the IBP, inc. facility in Amarillo, Texas, the parties agree that IBP, inc. will make whole any injured individuals by reinstatement or hire, and the payment of full back pay. In addition, the parties agree that IBP, inc. shall pay civil penalties for these violations in accordance with the following schedule:

- (a) For the first 10 violations a civil penalty of \$500 for each violation.
- (b) For violations 11 through 25 a civil penalty of \$1,000 for each violation.
- (c) For any violations above 25 a civil penalty of \$1,500 for each violation.

4. IBP, inc. will maintain and conduct its hiring and I-9 verification practices in a manner which does not discriminate on the basis of citizenship status or national origin in violation of IRCA.

5. IBP, inc. agrees that it will not request, for purposes of satisfying the employment eligibility verification requirement of IRCA; 8 U.S.C. § 1324a(b), more or different documents than are required by law.

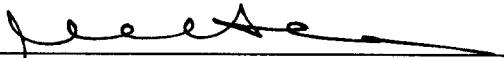
6. IBP, inc. agrees that it will allow employees, including non-citizen employees, to present any document or combination of documents acceptable by law for purposes of satisfying the employment eligibility verification requirements of 8 U.S.C. § 1324a(b).

7. IBP, inc. agrees to post a copy of the attached Notice (Attachment A) in all places where notices to employees and job applicants are normally posted. This notice will be posted at all of the personnel locations of IBP, inc. throughout the United States and will remain posted for a minimum period of three years.

8. IBP, inc. will educate its personnel concerning their responsibilities under IRCA; 8 U.S.C. §1324b. All employees at the IBP, inc. facility in Amarillo, Texas who are responsible for formulating and/or carrying out IBP, inc.'s employment eligibility verification policy, including all managers and employees who have any role in completing the INS Form I-9, and/or who instruct employees or prospective employees on the proper completion of the form, will view an educational videotape regarding 8 U.S.C. §1324b. The videotape will be provided by the Office of Special Counsel. IBP, inc. will circulate the attached Declaration to all persons attending educational sessions required by this paragraph. Persons attending the training session and viewing the videotape are to complete the declaration as evidence of IBP, inc.'s compliance with this paragraph. The original of the declaration, including signatures, will be mailed to the Office of Special Counsel by registered or certified mail, return receipt requested, within ten days of the training session.

9. This Agreement does not affect the right of any individual to file a charge alleging an unfair immigration related employment practice against IBP, inc. with the Office of Special Counsel or the right of the Office of Special Counsel to investigate or file a complaint on behalf of any such individual.

SO ORDERED this 19th day of June, 1995.


Marvin H. Morse
Administrative Law Judge

APPROVED:
WILLIAM HO-GONZALEZ
Special Counsel

BY: Anita J. Stephens
Anita J. Stephens
Senior Trial Attorney
Date: 6-14-95

BY: Russell P. Wright
Russell P. Wright
Corporate Attorney
IBP, inc.
Date: 6-13-95

ATTACHMENT A

The Immigration Reform and Control Act (IRCA) Prohibits Employment Discrimination



What You Should Know

Under IRCA, when hiring, discharging, or recruiting or referring for a fee, employers with four or more employees **may not**:

- Discriminate because of **national origin** against U.S. citizens, U.S. nationals, and authorized aliens. (Employers of 15 or more employees should note that the ban on national origin discrimination against any individual under Title VII of the Civil Rights Act of 1964 continues to apply.)
- Discriminate because of **citizenship status** against U.S. citizens, U.S. nationals, and the following classes of aliens with work authorization: permanent residents, temporary residents (that is, individuals who have gone through the legalization program), refugees, and asylees.

Employers can demonstrate compliance with the law by following the verification (I-9 Form) requirements and treating all new hires the same. This includes the following steps:

- **Establish a policy of hiring only individuals who are authorized to work.** A "U.S. citizens only" policy in hiring is illegal. An employer may require U.S. citizenship for a particular job **only** if it is required by federal, state, or local law, or by government contract.
- **Complete the I-9 Form for all new hires.** This form gives employers a way to establish that the individuals they hire are authorized to work in the United States.
- **Permit employees to present any document or combination of documents acceptable by law.** Employers **cannot** prefer one document over others for purposes of completing the I-9 Form. Authorized aliens do not carry the same documents. For example, not all aliens who are authorized to work are issued "green cards." As long as the documents are allowed by law and appear to be genuine on their face and to relate to the person, they should be accepted. Not to do so is illegal. Acceptable documents are listed on the reverse side.

IRCA established the Office of Special Counsel for Immigration-Related Unfair Employment Practices to enforce the IRCA antidiscrimination provision. Discrimination charges are filed with this Office. Charges or written inquiries should be sent to: The Office of Special Counsel for Immigration-Related Unfair Employment Practices, P.O. Box 27728, Washington, DC 20038-7728. For more information, call the OSC Employer Hotline at 1-800-255-8155 (toll free); 1-800-362-2735 (TDD device for the hearing impaired). For questions about Title VII, please contact the Equal Employment Opportunity Commission at 1-800-669-4000 (toll free) or 202-275-7518 (TDD).

List of Acceptable Documents

List A

List B

List C

Documents that Establish Both Identity and Employment Eligibility

1. U.S. Passport (unexpired or expired)
2. Certificate of U.S. Citizenship (*INS Form N-560 or N-561*)
3. Certificate of Naturalization (*INS Form N-550 or N-570*)
4. Unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization
5. Alien Registration Receipt Card with photograph (*INS Form I-151 or I-551*)
6. Unexpired Temporary Resident Card (*INS Form I-688*)
7. Unexpired Employment Authorization Card (*INS Form I-688A*)
8. Unexpired Reentry Permit (*INS Form I-327*)
9. Unexpired Refugee Travel Document (*INS Form I-571*)
10. Unexpired Employment Authorization Document issued by the INS which contains a photograph (*INS Form I-688B*)

OR

Documents that Establish Identity

1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address
2. ID card issued by federal, state or local government agencies or entities provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address
3. School ID card with a photograph
4. Voter's registration card
5. U.S. Military card or draft record
6. Military dependent's ID card
7. U.S. Coast Guard Merchant Mariner Card
8. Native American tribal document
9. Driver's license issued by a Canadian government authority
- For persons under age 18 who are unable to present a document listed above:**
10. School record or report card
11. Clinic, doctor, or hospital record
12. Day-care or nursery school record

AND

Documents that Establish Employment Eligibility

1. U.S. social security card issued by the Social Security Administration (*other than a card stating it is not valid for employment*)
2. Certification of Birth Abroad issued by the Department of State (*Form FS-545 or Form DS-1350*)
3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. Native American tribal document
5. U.S. Citizen ID Card (*INS Form I-197*)
6. ID Card for use of Resident Citizen in the United States (*INS Form I-179*)
7. Unexpired employment authorization document issued by the INS (*other than those listed under List A*)



ATTACHMENT B

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DECLARATION

The undersigned employee of _____ [corporate name] declares, under penalty of perjury under the laws of the United States, that, on _____ [date of training] at _____ [location of training], he/she attended a training session or viewed an educational videotape provided by the U.S. Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices, regarding the anti-discrimination provisions of the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324b ("IRCA").

The undersigned employee understands that it is illegal to:

- * Discriminate on the basis of citizenship status or national origin.
- * Refuse to accept valid documents presented by a job applicant or employee for purposes of satisfying IRCA's employment verification provisions.
- * Demand or require that job applicants present specific documents, such as a "green card" or permanent resident card, for purposes of satisfying IRCA's employment verification provisions.

	Signature	Name (Printed)	Title	Date
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

See additional attached listing (if applicable)

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Consent Order were mailed first class, postage prepaid this 19th day of June, 1995 addressed as follows:

Counsel for Complainant

Anita J. Stephens, Esq.
Office of Special Counsel for Immigration-Related
Unfair Employment Practices
P.O. Box 27728
Washington, DC 20038-7728

Counsel for Respondent

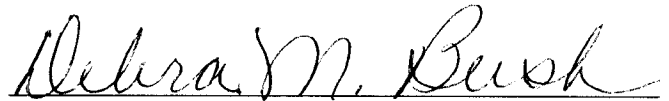
Elizabeth A. Brand, Esq.
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Respondent

Russell P. Wright, Esq.
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Dakota City, NE 68731

Office of the Chief Administrative Hearing Officer

5107 Leesburg Pike, Suite 2519
Falls Church, VA 22041



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